

REMARKS

Claims 1-7 are pending in the present application. Claims 2-7 are withdrawn based on an election. Claim 1 is cancelled herein. Claims 8-21 are added. Support for new claims 8-21 can be found, for example, in Examples 1 and 3 of the application. Thus, no new matter is added.

35 U.S.C. § 101

Claim 1, stands rejected under 35 U.S.C. § 101 for allegedly failing to set forth any steps involved in the process. The Applicants cancel claim 1 herein and rewrite this claim as new claim 8. Claim 8 sets forth the positive steps of “contacting a composition comprising an ansamitocin to silica gel.” The Applicants also add new claims 9-21 in this application which depend from claim 8. Support for new claims 8-21 can be found in Examples 1 and 3 of the application. Thus, no new matter is added. The Applicants respectfully submit that in view of the forgoing remarks and the newly submitted claims, the Applicants have overcome the Examiner’s rejection under 35 U.S.C. § 101 and that rejection should be withdrawn

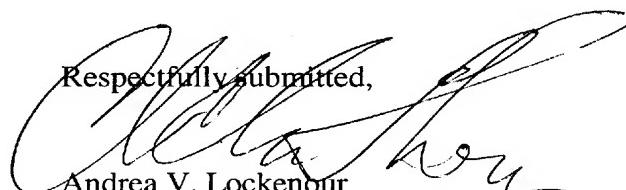
35 U.S.C. § 102

Claims 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by Miyashita, *et al.* (U.S. Patent No 4,256,746), Beemsterboer, *et al.* (U.S. Patent No. 4,145,345), Hashimoto (U.S. Patent No. 4,424,219), Asai, *et al.* (U.S. Patent No. 4,322,348). The Examiner alleges that these references disclose the purification of ansamitocin with silica. As noted above, the Applicants cancel claim 1 and add new claims 8-21. A single prior art reference anticipates a claimed invention only if it identically shows every element of the claimed invention. *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

The Applicants respectfully submit that the none of the references cited by the Examiner teach that ansamitocin can be captured by a method of contacting a composition comprising ansamitocin to silica, “wherein said composition comprising ansamitocin is toluene extract from whole broth.” Therefore, the Applicants respectfully submit that the cited references do not teach each and every element of the new claims.

The Applicants respectfully submit that in view of the forgoing remarks and the newly added claims, the Applicant has overcome the Examiner's rejection under 35 U.S.C. § 102(b) and that rejection should be withdrawn.

The Applicants reserve the right to prosecute, in one or more patent applications, the cancelled claims, the claims as originally filed, and any other claims supported by the specification. The Applicants thank the Examiner for the Office Action and believes this response to be a full and complete response to such Office Action. Accordingly, favorable reconsideration and allowance of the pending claims is earnestly solicited. If it would expedite the prosecution of this application, the Examiner is invited to confer with the Applicants' undersigned attorney.


Respectfully submitted,
Andrea V. Lockenour
Attorney for Applicants
Registration No. 51,962

GLAXOSMITHKLINE
Corporate Intellectual Property UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Phone (610) 270-7568
Facsimile (610) 270-5090
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